UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,475	05/15/2001	William Grey	I01.036	9618

48175 7590 05/03/2005		**EXAMINER**
BMT/IBM		ZURITA, JAMES H
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ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/855,475	GREY ET AL.
	Examiner	Art Unit
	James H Zurita	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 February 2005_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _46,48-58,61 and 62_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _46,48-58,61 and 62_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

On 7 February 2005, applicant amended claims 46 and 61. Applicant cancelled claims 59 and 60.

Claims 46, 48-58, 61-62 are pending and will be examined.

Response to Arguments

Applicant's arguments filed 7 February 2005 have been fully considered but they are not persuasive.

Applicant argues, page 8, line 25-28, that Celliah notifies a program object and not a "...real world entity..." Applicant relies on Col. 25, lines 19-22, lines 48-52 and lines 61-64. Applicant concludes that his amended claims are patentable because claim 46 now recites "...providing notification ...to an entity that is conducting a transaction>"

In response to this argument, the Examiner respectfully directs applicant's attention to Col. 25, lines 15-28, which reads:

> Observation Subsystem
> The Observations Subsystem *168* (FIG. 5) provides a system for recording events that represent observable data that results from customer interactions. FIGS. 14 and 15 depict the Observation Subsystem 168. Observation Subsystem 168 comprises two types of program object. These are called collectors and event recipients. FIGS. 14 and 15 depict three collectors 340, 342 and 344 and four event recipients 350, 352, 354 and 356. A program object called a "collector" communicates events to one or more event recipients that have registered with the collector. Event Recipients are of two types, either Active Monitors or Loggers.

Referring to Fig. 5, the Examiner respectfully directs applicant's attention to reference 168, described above. The Examiner notes the arrows connecting 168 to

various entities, including order fulfillment *130*, electronic storefront *14*. The Examiner respectfully directs applicant to Figs. 6 and 7, and related text, which depict completion of an online transaction of Fig. 5. At least these figures and related text disclose that notification is sent to various entities, including customers, participants, sales representatives, distributors, sales representative factories and others, via various *interfaces*. The Examiner respectfully submits that at least these entities correspond to what applicant labels "...real world entities..."

Therefore, applicant's arguments are not persuasive.

Priority

Please see previous Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 46 and claims dependent thereupon are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants amendment introduced the following language:

determine a charge associated with at least one of said associating a plurality of rules with a respective plurality of entities, said determining that one of said plurality of entities is conducting a transaction, said determining a rule from said plurality of rules that is associated with said one of said plurality of entities, and said authorizing said transaction; and
provide a notification of said charge to said one of said entities.

It is not clear how the new limitations cover. For purposes of this examination,

the Examiner will interpret the new limitation to read:

> determine a charge associated with at least one of
>
> 1   said associating a plurality of rules with a respective plurality of entities,
>
> 2   said determining that one of said plurality of entities is conducting a transaction,
>
> 3   said determining a rule from said plurality of rules that is associated with
>
>   said one of said plurality of entities, and
>
> 4   said authorizing said transaction; and
>
> provide a notification of said charge to said one of said entities.

Prior art will be interpreted to read on applicant's claim where prior art discloses

notifying any of the entities involved in a transaction, such as via a user interface, email,

etc.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims 46, 48-58, 61-62 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Chelliah et al. (US 5,710887).

As per claim 46, Chelliah methods and systems for facilitating transactions,

including:

Processor(s) (for example, Col. 4, line 60-Col. 5, line3) operative to perform at

least the following functions.

- Associate a plurality of rules with a respective plurality of entities. See, for

   example, at least references to business rules, Col. 1, lines 28-Col. 2, line 3),

   pricing rules (Col. 12, line 28-Col. 13, line 12).

- Determine that one of said entities is conducting transaction(s). See, for example, at least Col. 6, lines 26-65.

- Authorize the transactions according the rules. See, for example, at least Col. 14, lines 39-Col. 15, line 4.

- *determine* a charge associated with at least one of

    o said associating a plurality of rules with a respective plurality of entities,

    o said determining that one of said plurality of entities is conducting a transaction,

    o said determining a rule from said plurality of rules that is associated with said one of said plurality of entities,

    o said authorizing said transaction;

    See at least references to pricing engine *120* and related text,.

provide a notification of said charge to said one of said entities. See, for example at least Fig. 15, Figs. 5, 6 and related text, which show that the ultimate recipients of any notification are entities that interact with the system.

See also at least Col. 12, line 28-Col. 13, line 10 concerning determining that an entity is conducting a transaction, and . Fig. 15 and related text concerning notification process. As noted in the response to arguments, please refer to Figs. 5, 6, 7 and related text for entities that may receive the notifications via interfaces.

As per claim 46, Chelliah *does not* use the words "memory" and "communication port."

It is well known that computer systems such as disclosed by Chelliah often include memory and communication ports. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Chelliah and knowledge generally available to include memory and communications ports.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Chelliah and knowledge generally available to include memory and communications ports for the obvious reason that computers often need devices where information can be stored and retrieved such as memory, and pathway(s) into and out of a computer for functions such as communications.

As per claim 48, Chelliah discloses that the rules may be based, at least in part, on at least one of the following:

> a barter credit; a spot price for a product; a price of a product involved in said transaction; a minimum number of products purchased during said transaction; a maximum number of products purchased during said transaction; a payment term associated with said transaction; a delivery requirement associated with said transaction; a shipping requirement associated with said transaction; a quality requirement for a product involved in said transaction; bundled products associated with said transaction; a customer associated with said transaction; an amount of inventory of a product involved in said transaction; and availability of a product involved in said transaction.

Please see at least references to quantity discounts, Col. 7, lines 17-30.

As per claim 49, Chelliah discloses determining a rule from a plurality of rules includes one of the following:

> determining an identifier associated with said one of said plurality of entities; and receiving a notification of said rule.

Please see at least references to sponsor identifier and price discounts, at least Col. 19, line 35-Col. 20, line 67.

As per claim 50, Chelliah discloses that determining that one of said plurality of entities is conducting a transaction includes receiving a notification that one of said

plurality of entities is conducting a transaction. Please see at least references to

transaction processing, at least Col. 12, line 28-Col. Col. 13, line 10.

As per claim 51, Chelliah discloses that receiving a notification that one of said

plurality of entities is conducting a transaction includes at least one of the following:

> receiving said notification from a user device; receiving said notification from a server; receiving said notification from a device associated with a marketplace; receiving an electronic communication via a communications network; receiving a notification of a marketplace involved in said transaction; receiving said notification from said entity', receiving said notification from a marketplace involved in said transaction; and receiving said notification from a party other than said entity involved in said transaction.

Please see at least references to customers selecting to enter the electronic mall

via a user interfaces, at least Col. 6, line 4-57.

As per claim 52, Chelliah discloses that notification comprises at least one of the

following:

> an email message; an XML feed; an HTTP transmission; an HTML transmission; an FTP transmission; a wireless transmission; an instant message communication; an electronic communication sent via a communications network; a facsimile transmission; a telephone signal; and a radio signal.

Please see at least references to communications over a network such as the

Internet, at least Col. 1, line 13-Col. 2, line 35.

As per claim 53, Chelliah discloses that associating a plurality of rules with a

respective plurality of entities includes at least one of the following:

> determining at least one rule that will apply for an entity conducting a transaction; and receiving a notification of a rule to associate with one of said plurality of entities.

Please see at least references to sponsor identifier and price discounts, at least

Col. 19, line 35-Col. 20, line 67.

As per claim 54, Chelliah discloses that provide a notification regarding said

transaction to a marketplace. See, for example, setting up discount programs, etc., at

least Col. 7, line 7-64.

As per claim 55, Chelliah discloses that provide a notification regarding said

transaction to said one of said plurality of entities. See, for example, at least Col. 7, line

7-64.

As per claim 56, Chelliah discloses that rule includes a condition and a result.

See, for example, at least references to Pricing Engine, which applies rules, conditions

and calculates results, such as discounts, Col. 18, line 11-Col. 19, line 35.

As per claim 57, Chelliah discloses that condition includes at least one of the

following:

> a requirement that a minimum number of products be purchased as part of said
> transaction; a requirement of a predetermined lead time between said transaction and
> delivery of a product involved in said transaction; a requirement of a predetermined lead
> time between said transaction and shipping of a product involved in said transaction; a
> requirement of a cumulative transactional volume over a desired time period; a
> requirement of a cumulative transactional volume by said one of said plurality of entities,
> a requirement of a cumulative transactional volume at a desired marketplace; a
> requirement of an availability of a product involved in said transaction; a requirement that
> a specific entity be involved in said transaction; a requirement that a specific marketplace
> be involved in said transaction; a requirement that a specific marketplace not be involved
> in said transaction; a requirement that a specific entity not be involved in said transaction;
> a requirement for an insurance policy associated with said transaction; a requirement that
> a specific product be bundled with said transaction; a requirement of a minimum financial
> amount involved in said transaction; and a requirement of a desired security associated
> with said transaction.

See, for example, at least references to various types of incentives, discounts

that may take place based on requirements such as quantity, Col. 7, line 16-39.

As per claim 58, Chelliah discloses that transaction involves at least one of the

following: a dynamically priced product and a non-financial product. See, for example, at

least Col. 5, line 61-Col. 6, line 3, concerning stock shares.

As per claim 60, Chelliah discloses that provide a notification of said charge.

See, for example, at least Fig. 15 and related text concerning notification process.

As per claim 61, Chelliah discloses that charge is based, at least in part, on at

least one of the following:

> a monetary amount involved in said transaction; a non-financial product involved in said transaction' a dynamically priced product involved in said transaction; an anticipated cost savings associated with said transaction; a realized cost savings associated with said transaction; a cost associated with said transaction relative to a benchmark; an anticipated benefit associated with said transaction; a realized benefit associated with said transaction; a benefit associated with said transaction relative to a benchmark; a delivery requirement associated with said transaction; a financial requirement associated with said transaction; a number of entities in said plurality of entities; a number of rules in said plurality of rules, a number of products involved in said transaction; a number of times said rule from said plurality of rules has been applied in previous transactions; a number of times said entity from said plurality of entities has been involved in previous transactions; and a marketplace involved in said transaction.

See, for example, at least references to Pricing and pricing engine, money totals

and discounts, at least Col. 18, lines 26-Col. 19, line 35.

As per claim 62, Chelliah discloses that a rule from a plurality of rules may

modified modify said rule from said plurality of rules. See, for example, at least Col. 1,

lines 15-Col. 2, line 3.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

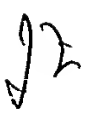MONTHS from the mailing date of this action. In the event a first reply is filed within
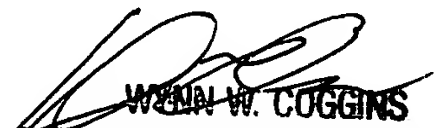
TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James H Zurita whose telephone number is 571-272-

6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

James Zurita
Patent Examiner
Art Unit 3625
29 April 2005

WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600